

# **Legal regulation of content of B2C contracts (from the perspective of consumer protection)**

## **Abstract**

This diploma thesis is dedicated to the legal regulation of the content of the consumer contract from the perspective of the consumer. In particular, the thesis is aimed at the adjustment of the unfair terms regulation which analyses profoundly. The transposition of the European regulation and possible shortcomings are evaluated. The thesis is divided into six main chapters, which develop the topic from general basics to the specific aspects of the consumer protection against unfair terms used by the entrepreneurs.

The first chapter deals with the consumer protection in general, presents the main characteristics of consumer law and outlines the most important sources of legal regulation, including constitutional principles.

The second part specifies the essential definitions related to the topic and used throughout the diploma thesis. The emphasis is given to the problems associated with the concepts of consumer contracts and entrepreneurs and consumers as contractual parties.

The third chapter looks in detail into the subject of unfair terms when it comprehensively deals with the general definition of unfair clauses in the Unfair Terms Directive and the Civil Code. The emphasis is given to the each individual definition characters laid down by the case-law of the Court of Justice of the European Union as well as by the higher courts of the Czech Republic. The implementation of the Unfair Terms Directive into the Civil Code has been critically evaluated. In this chapter the diploma thesis also reflects upon the proposed draft of the amendment to the Civil Code, which aims to eliminate the shortcomings of the legislation and to bring the regulation closer to the European one.

The fourth chapter summarizes the exceptions to the general definition of unfair terms and differences in wording that can cause interpretative and applicational problems.

The fifth chapter defines the differences between lists of unfair terms at the European and national levels. Selected conditions from the list implemented in the Civil Code are analysed as well as the conditions that were not included in the national legal order.

The final chapter discusses the implications associated with the use of unfair terms. The emphasis is placed not only on the consequences for entrepreneurs, but also on the authorization for the subjects of consumers' support. The last part of this chapter is dedicated to the proposed amendment to the Unfair Terms Directive, which aims to streamline enforcement of consumer protection using sanctions and fines.

**Key words:** unfair terms, consumer protection, B2C relationships, consumer contract